

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

GORDON GRAINGER,

Petitioner,

v.

Case No. 2:09-cv-72
HON. GORDON J. QUIST

BARYY D. DAVIS,

Respondent.

REPORT AND RECOMMENDATION

Petitioner filed this petition for writ of habeas corpus challenging an October 30, 2008 detainer/prison hold on petitioner while he was incarcerated at the Newberry Correctional Facility. Petitioner claims that the detainer was issued because he was a suspect in another criminal case. Petitioner was discharged from prison on September 28, 2007. Respondent has filed a motion to dismiss the petition because there exists no case or controversy since petitioner has been released from prison rendering this petition moot. Petitioner has not responded to that motion. Petitioner's release from prison moots the requested relief in the petition. Petitioner was not challenging the constitutionality of a conviction that could have collateral consequences.

Accordingly, it is recommended that this Court dismiss the petition with prejudice.

NOTICE TO PARTIES: Objections to this Report and Recommendation must be served on opposing parties and filed with the Clerk of the Court within ten (10) days of receipt of this Report and Recommendation. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); W.D. Mich. LCivR 72.3(b). Failure to file timely objections constitutes a waiver of any further right to appeal.

United States v. Walters, 638 F.2d 947 (6th Cir. 1981). *See also Thomas v. Arn*, 474 U.S. 140 (1985).

/s/ Timothy P. Greeley
TIMOTHY P. GREELEY
UNITED STATES MAGISTRATE JUDGE

Dated: February 1, 2010